

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 11/27/2017

BOARD MEMBERS PRESENT: Paul J Weston - Chair
Linda A Chatburn
Gail L King
Mary Jo White, D.C.

BOARD MEMBERS ABSENT: Carla Anne Steen

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Jean R. Uranga, Board Prosecutor
Dicsie Gullick, Management Assistant
Candace Villarreal, Technical Records

OTHERS PRESENT: Kris Ellis, NWCCF
Camille Percey, LMT Elements
Courtney Peterson, LMT Elements
Lynda Hopkins, LMT

The meeting was called to order at 8:34 AM MST by Paul Weston.

APPROVAL OF MINUTES

Ms. King made a motion to approve the minutes of 9/18/2017. It was seconded by Ms. Chatburn. Motion carried.

EXECUTIVE ORDER

Ms. Hall reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory also updated the Board on the information and process for public comment which has been added to the Board's website.

Ms. Chatburn updated the Board on the Executive Order meeting on 10/12/2017 with Lieutenant Governor Little. Ms. Chatburn stated that Lieutenant Governor Little gave an overview of the Executive Order and explained that the purpose of the review is to ensure the lightest possible hand of government regulating commerce and industry while still preserving the public trust.

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of Hearing Officers and is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to Idaho Administrative Procedures Act and the way contested cases are handled. The Bureau submitted a letter to the committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

LEGISLATIVE REPORT

Ms. Hall gave the legislative report. The deadlines to submit proposed rule and law revisions to the Governor's Office have passed for the 2018 Legislative Session. The deadline to submit proposed law changes to the Governor's Office is Mid-July and the deadline to submit proposed rule changes to the Governor's Office is Mid-August for the 2019 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$307,988.46 as of 10/31/2017.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number MAS-2018-10. After discussion, the Board gave recommendations for appropriate discipline. Ms. King made a motion to close the case with an advisory letter regarding careful or discretionary use of language during massage sessions. It was seconded by Ms. Chatburn. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2017-15. It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2018-18. It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in cases I-MAS-2018-5, I-MAS-2018-13 and I-MAS-2018-9. It was seconded by Ms. King. Motion carried.

Ms. Peel presented Settlement and Consent order in case I-MAS-2018-5, I-MAS-2018-13 and I-MAS-2018-9. Ms. Chatburn made a motion to approve the Bureau's recommendation and authorize closure in cases I-MAS-2018-5, I-MAS-2018-13 and I-MAS-2018-9. It was seconded by King. Motion carried.

DISCIPLINE

Ms. Peel presented a CEU Consent Order in case MAS-2018-11. Ms. Chatburn made a motion that the Board accept the settlement order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. King. Motion carried.

Ms. Peel presented a CEU Consent Order in case MAS-2018-14. Ms. Chatburn made a motion that the Board accept the settlement order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. King. Motion carried.

Ms. Peel presented a CEU Consent Order in case MAS-2018-16. Ms. Chatburn made a motion that the Board accept the settlement order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. King. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

FAQ DRAFT

The Board discussed a draft FAQ regarding externships, clinical fieldwork, education standards, supervision, compensation, and student collection of contact information. Ms. King made a motion for Linda Chatburn to review the FAQ draft for additional information recommended by the Board including wording updates and work with the Bureau on a draft for the next meeting. It was seconded by Ms. Chatburn. Motion carried.

NEW BOARD MEMBER ARRIVAL AND INTRODUCTION:

Dr. Mary Jo White, the new public Board member arrived and introductions were made.

TEMPORARY LICENSURE LETTER DRAFT

The Board discussed a draft letter regarding temporary licensure. Ms. Chatburn made a motion to approve the letter as written. It was seconded by Ms. King. Motion carried.

NEW BUSINESS

NEXT MEETING is scheduled for January 8, 2018 8:30 AM MST
ANOTHER MEETING was scheduled for March 5, 2018 at 8:30 AM MST.

RESIGNATION OF BOARD CHAIR

Mr. Weston announced that he is submitting his resignation from the Idaho Board of Massage Therapy and that this will be his last meeting.

FEDERATION OF STATE MASSAGE THERAPY BOARDS CONFERENCE

Ms. Chatburn reported on the Conference of the Federation of State Massage Therapy Boards held in Tampa, Florida. Ms. Chatburn stated that she presented highlights to the conference delegation, such as, the Idaho Licensing Freedom Act and Executive Order and legislative updates including temporary licensure and provisional permits. Ms. Chatburn discussed items covered at the conference including human trafficking, diploma mills, nationwide transcript alignment, development of a comprehensive unapproved school lists, an upcoming Massage Therapy licensing database, the Model Practice Act intended to facilitate alignment from State to State and FSMTB election outcomes. She stated the next conference will be held in Salt Lake City on October 4-6, 2018 and that the Executive Directors Summit will be held April 12-13, 2018 in Kansas City.

REVIEW DRAFT APPLICATION REVISIONS

Ms. Hall presented a draft of the endorsement application updated with new instructional wording. The Board requested updates to add educational requirements to this application. Ms. Chatburn made a motion to approve the application with the added educational requirements recommended by the Board. It was seconded by Ms. King. Motion carried.

Ms. Hall presented a draft of the renewal application updated with new instructional wording. The Board discussed outcomes of failure to answer questions on applications. Ms. Chatburn made a motion to approve the renewal application as drafted. It was seconded by Ms. King. Motion carried

REVIEW SCENARIOS FOR CE AUDITS

The Board discussed CE Audit Scenarios for the purpose of clarification of CE Audit reviews. No action was taken.

CORRESPONDENCE

The Board reviewed correspondence from the FSMTB regarding initiation of Texas litigation to protect the integrity of the MBLEx exam. No action was taken.

The Board reviewed correspondence regarding revocation of the school code for ASM Beauty World Academy by the National Certification Board for Therapeutic Massage and Bodywork, sent by Anne Anthony, NCBTMB Ethics and Standards Manager. No action was taken.

The Board reviewed correspondence from a licensee regarding inner vaginal massage. After discussion, it was determined that based on the current information, the Board is unable to make a determination regarding scope of practice or whether IVM is germane to Massage Therapy. Ms. Chatburn made a motion to direct the Bureau to draft a letter to the licensee regarding filing a complaint if she believes a violation of State Laws and Rules has occurred. It was seconded by Ms. King. Motion carried.

The Board reviewed correspondence from a licensee regarding Medical Massage and Insurance. Ms. Chatburn made a motion to direct the Bureau to draft a letter to the licensee to take this issue to a Massage Association such as the American Massage Therapy Association (AMTA) or The Associated Bodywork and Massage Therapy Professionals (ABMP) for review. It was seconded by Ms. King. Motion carried.

CE COURSE APPROVAL APPLICATIONS

Ms. Chatburn made a motion to deny the following Course Approval Applications:

15031 HIMALAYAN SALT STONE TRAINING

Ms. Chatburn made a motion to approve the following Course Approval Applications:

15030 MESSAGE FOUNDATIONS

15032 CUPPING FOR MESSAGE THERAPISTS

15050 STRUCTURAL RELEASE OF THE LOWER BACK

15051 STRUCTURAL RELEASE OF THE CHEST

15052 STRUCTURAL RELEASE OF THE HIPS

15053 STRUCTURAL RELEASE OF THE LOWER LEG AND FEET

15054 STRUCTURAL RELEASE OF THE POSTERIOR PELVIS
15055 STRUCTURAL RELEASE OF THE SHOULDERS
15056 STRUCTURAL RELEASE OF THE QUADRICEPTS AND
ADDUCTORS
15057 STRUCTURAL RELEASE OF THE ABDOMINALS AND PSOAS
15058 STRUCTURAL RELEASE HAMSTRINGS
15059 STRUCTURAL RELEASE SPINE AND ARMS
15060 STRUCTURAL RELEASE OF THE HEAD NECK AND FACE

It was seconded by Ms. King. Motion carried

EXECUTIVE SESSION

Ms. King made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. White. The vote was: Ms. Chatburn, aye; Ms. King, aye; Dr. White, aye; and Mr. Weston, aye. Motion carried.

Ms. King made a motion to come out of executive session. It was seconded by Dr. White. The vote was: Ms. Chatburn, aye; Ms. King, aye; Dr. White, aye; and Mr. Weston, aye. Motion carried.

APPLICATIONS

Ms. King made a motion to approve the following application for provisional license and approve pending receipt of documents:

901-155-384

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the following applications for licensure pending receipt of documents and Board Chair review:

901-154-808
901-151-501
901-155-239

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to table the following applications for more information:

901-153-443
901-154-869

901-154-531
901-155-104

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the following applications pending receipt of documents:

901-154-698
901-155-356
901-155-237
901-155-358
901-155-359
901-154-627
901-155-380
901-154-603

It was seconded by Ms. Chatburn. Motion carried.

Dr. White made a motion to approve the following applications for licensure:

De La Mater, Rebecca	MASA-3363
Hodges, Bryan	MASA-3343
Mickelson, Arielia	MASA-3351
Poli, Taylor	MASA-3355
Quilici, Terri	MASA-3326
Rowberry, Paige	MASA-3361

It was seconded by Ms. Chatburn. Motion carried. Ms. King recused herself from voting and discussion.

Dr. White made a motion to approve the following application for licensure pending receipt of documents and Board Chair review:

901-155-310

It was seconded by Ms. Chatburn. Motion carried. Ms. King recused herself from voting and discussion.

Ms. Chatburn made a motion to approve the following for licensure:

Aaron, Michael	MASA-3329
Azar, Kyri	MASA-3338
Berscheid, Ann	MASA-3322
Blackburn, Melanie	MASA-3346
Boe, Teresa	MASA-3315

Burbank, Calista	MASA-3372
Carter, Kari	MASA- 3345
Clark Mary	MASA-3359
Corsi, Tina	MASA-3379
Dattillo, Ginger	MASA-3334
Emerson, Kelly	MASA-3317
Faxes, Pavel	MASA-3378
Fendall, Sheryl	MASA-3368
Floyd, Kelsey	MASA-3313
Graff, Kirby	MASA-3336
Gregg, Kasarah	MASA-3373
Grove, Kathleen	MASA-3316
Hosmer-Rodriguez, Joseph	MASA-3347
Hunt, Jessica	MASA-3349
Hunter, Rebecca	MASA-3370
Hymas, Desiree	MASA-3362
Jayne, Rachael	MASA-3374
Johnson, Darryl	MASA-3250
Jordan, Edward	MASA-3341
Landes, Nicholas	MASA-3332
McCart, RaeAnn	MASA-3318
McMinn, Jennifer	MASA-3337
Nostrom, Samantha	MASA-3358
Ogletree, Carmen	MASA-3320
Peden, Jonathan	MASA-3312
Pettaway, Adrian	MASA-3309
Plumb, Ashley	MASA-3360
Sawyer, Lisa	MASA-3356
Shen, Shuxia	MASA-3327
Smith, Sydney	MASA-3344
Smith, Amber	MASA-3367
Snider, Amanda	MASA-3342
Stanley, Shaye	MASA-3350
Stanton, Emma	MASA-3352
Steven, Sarah	MASA-3348
Stevens, Malissa	MASA-3314
Taylor Jodi	MASA-3331
Teacutter, Rebecca	MASA-3333
Terhune, Victoria	MASA-3310
Thompson, Wendi	MASA-3266
Trevino, Samantha	MASA-3366
Vanderlaan, Vinter	MASA-3311
Ward, Sheri	MASA-3319
Wei, Serena	MASA-3371
Yu, Huiming	MASA-3249

It was seconded by Ms. King. Motion carried.

BOARD ELECTIONS

Ms. King made a motion to nominate Ms. Chatburn as Board Chair. It was seconded by Dr. White. Motion carried.

ADJOURNMENT

Ms. Chatburn made a motion to adjourn the meeting at 3:38 PM MST. It was seconded by Ms. King. Motion carried.

Linda A Chatburn, Chair

Paul J Weston

Gail L King

Carla Anne Steen

Mary Jo White, D.C.

Tana Cory, Bureau Chief